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DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Henri LOPEZ-Cardona,** Defendant(s)	Magistrate Case No. '08 MJ 2553 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii) Bringing in Illegal Aliens Without Presentation

The undersigned complainant, being duly sworn, states:

On or about **August 16, 2008,** within the Southern District of California, defendant **Henri LOPEZ-Cardona**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Omar Eduardo ORDONEZ-Monroy, Francisco VARGAS-Gonzales,** and **Joel DANIEL-Leal,** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **18TH** DAY OF **AUGUST 2008**

Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

DOA 8/16/08

CONTINUATION OF COMPLAINT:
Henri LOPEZ-Cardona

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Omar Eduardo ORDONEZ-Monroy, Francisco VARGAS-Gonzales,** and **Joel DANIEL-Leal** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On August 16, 2008 at approximately 11:15 p.m., Border Patrol Agent L. Gregory and Supervisory Border Patrol Agent M. Riches responded to a seismic intrusion device Northeast of the Otay Mesa, California Port of Entry.

As Agents Gregory and Riches approached the area, an infrared scope operator notified them that the group of suspected illegal aliens were sitting at the top of a ridge. Agent Gregory and Riches walked the trail and found a group of nine individuals that appeared to be hiding under a tree. Agent Gregory identified herself as a Border Patrol Agent and conducted an immigration inspection. Agent Gregory questioned each one of the individuals, including one, identified as the defendant **Henri LOPEZ-Cardona**, as to their citizenship. All nine stated that they were citizens and nationals of Mexico without any immigration documents to allow them to be in or remain in the United States legally. Agent Gregory and Riches placed the subjects under arrest and transported them to the Brown Field Border Patrol station for processing.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Omar Eduardo ORDONEZ-Monroy, Francisco VARGAS-Gonzales,** and **Joel DANIEL-Leal** each stated that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally and that they were to pay a fee to be smuggled into the United States. All three stated that they were guided into the United States by the defendant **Henri LOPEZ-Cardona**. All three material witnesses were shown a photo lineup and were able to identify **Henri LOPEZ-Cardona** as the footguide.